

1978 CONSTITUTIONAL CONVENTION

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INTRODUCTION

The records of the 1978 Constitutional Convention consist of records from the Offices of the Secretary and President and from the standing committees. The records are unrestricted and total 8.0 linear feet.

AGENCY HISTORY

Act 17, Session Laws of Hawaii, Special Session of 1977, was enacted by the Legislature to provide for a Constitutional Convention. It provided for the election of the delegates, their compensation, submission of the convention's work and other convention preparations. Pursuant to this Act, 102 delegates to the 1978 Constitutional Convention were chosen in a special election held May 20, 1978.

The 1978 Constitutional Convention, the third since annexation, was called to order on July 5, 1978 in the old Federal Building by Delegate Floyd Pulham, who acted as temporary chairman. The Convention officers were: President, William W. Paty, Jr.; Secretary, M. Haunani Ching, and Assistant Secretary, Craig Nakamura. They were elected by the majority of the Convention in closed balloting. Eight vice-presidents, one from each senatorial district, were elected. Each was chosen by a majority of delegates from the respective senatorial district. These eight vice-presidents were: Bruce C. McCall, Allen W. Barr, Paul E. DiBianco, Donald D. H. Ching, Larry S. Uyehara, H. Jean Goodenow, Les. S. Ihara, Jr., and James Shinno.

The secretary was the officer in charge of the administrative, clerical and custodial activities of the convention. He was responsible for keeping the journal of the proceedings of the Convention and under the direction of the President, preparing a calendar for business each day. The Secretary preserved all proposals, committee reports, and other records, books, documents and papers of the Convention. After adjournment these were delivered to the State Archives.

The President was responsible for calling the convention to order each day and preserving order and decorum. He was responsible for appointing all standing committees and decided all questions of order, subject to appeal to the Convention.

Two administrative, twelve subject, and two procedural committees were formed to investigate and hold hearings on delegate proposals. Every provision of the Constitution was

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addressed by at least one subject committee on referral by the president and by both procedural committees. The two administrative committees were 1) Budget, Accounts, and Printing and 2) Rules and the two procedural committees were 1) Revision, Amendment and Other Provisions and 2) Style. The twelve subject committees were: 1) Bill of Rights, Suffrage and Elections; 2) Environment, Agriculture, Conservation and Land; 3) Education; 4) Ethics; 5) Executive; 6) Hawaiian Affairs; 7) Judiciary; 8) Legislature; 9) Local Government; 10) Public Health and Welfare, Labor and Industry; 11) Submission and Information; and 12) Taxation.

Each Constitutional Convention delegate could introduce proposals to amend the constitution in open session of the Convention. The Convention President referred each delegate proposal to the appropriate standing committee which studied the proposals, received expert testimony and held public hearings.

The committee then voted on each delegate proposal referred to it. Those which passed by majority vote were combined or sequenced as appropriate into committee proposals which were returned to the Convention accompanied by committee reports which summarized committee findings, opinions and intent. These committee reports passed first reading in the Convention by title and were referred to the Committee of the Whole, composed of the entire Convention acting as a large committee, for further debate. Following this debate, and amendment if any, the Committee of the Whole voted on the proposal. If it passed the Committee of the Whole, it was reported out, accompanied by a report based upon the committee debate, which set forth findings, opinions and intent. The Convention then voted on the proposal. Proposals that achieved a majority in favor were deemed to have passed second reading and were referred to the Committee on Style which would review the proposal to ensure correct and consistent grammar, making any necessary amendments before returning it to the Convention for passage on third and final reading by a majority affirmative vote. The final form of the proposal lastly went to the Committee on Submission and Information which by resolution recommended the method and manner of presentation to the electorate.

The 1978 Constitutional Convention adjourned on December 2, 1978 after 64 days of deliberation. 34 amendments were recommended by the delegates.

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SCOPE AND CONTENT NOTE

The records include journals, orders of business, debates in the Committee of the Whole, delegate and committee proposals, committee reports, communications, roll call, and convention memoranda from the Office of the Secretary; pre-convention caucus minutes, correspondence and memoranda from the Office of the President; and minutes, agendas, testimonies, correspondence, and memoranda from the Standing Committees.

SEE ALSO:

Finding Aids:

Government Records Inventories
Constitutional Convention 1950
1968 Constitutional Convention

Government Publications:

Proceedings of the Constitutional Convention of Hawaii of 1978, Volume I, Journal and Documents & Volume II, Committee of the Whole Debates
Hawaii Constitutional Convention Studies, 1978. Legislative Reference Bureau. 16v arranged by article number
Con Con Summary. Submission and Information Committee, [October 1978]. P0000.1610 & P0000.1611
Do Something Really Important. Advertising Supplement to Sunday Star Bulletin and Advertiser, Oct. 29, 1978. P0000.1612 & P0000.1613
Amendments to the State Constitution Proposed by the 1978 Constitutional Convention, Nov. 7, 1978. P0000.1614, P0000.1615, P0000.1616, P0000.1617, P0000.1618, P0000.1619, P0000.1620 & P0000.1621
Complete Text of Amendments proposed by the Constitutional Convention of 1978, Nov. 1978. P0000.1622, P0000.1623, P0000.1624, P0000.1625, Chinese Translation, P0000.1626 & P0000.1627
English facsimile ballot, Nov. 1978. P0000.1628 & P0000.1629

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SERIES DESCRIPTIONS

- 209 **CONVENTION JOURNALS.** July 5 to December 2, 1978. 4.0 lin. inches.
Arranged chronologically.
Official record of the proceedings of the Convention. Summary of all business transacted including introduction of proposals by title and name of introducers; proposals acted upon; committee reports submitted and acted upon; roll call votes and communications received. Printed in the Proceedings of the Constitutional Convention of Hawaii of 1978, Volume I, Journal and Documents. Also available on 1/4 in. reel to reel audio tapes.
- 210 **ORDERS OF BUSINESS.** July 5 to December 2, 1978. 0.5 lin. inch.
Arranged chronologically.
Daily agendas specifying the order of consideration of subjects before the Convention on each day.
- 211 **DEBATES IN THE COMMITTEE OF THE WHOLE.** August 14 to September 14, 1978. 6.0 lin. inches.
Arranged chronologically.
Transcripts of debates on specific articles in the Constitution. Printed in the Proceedings of the Constitutional Convention of Hawaii of 1978, Volume II, Committee of the Whole Debates. Also available on 1/4 in. reel to reel audio tapes (included in Series 209).
- 212 **DELEGATE PROPOSALS.** July 6 to July 31, 1978. 38.0 lin. inches.
Arranged numerically.
Forms used to introduce ideas or subjects for inclusion into the Constitution. Proposals were introduced by one or more delegates and could relate to a point or section of an article or to the entire Constitution.
- 213 **COMMITTEE PROPOSALS.** August 9 to September 7, 1978. 6.0 lin. inches.
Arranged numerically.
Proposals introduced by a committee in the form of an entire article encompassing subjects under a committee's jurisdiction. Includes drafts of proposals, Committee of the Whole reports, minority reports, and record of votes in the committee.

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- 214 **RESOLUTIONS.** July 5 to September 21, 1978. 2.0 lin. in. Arranged numerically.

Informal means of introduction of ideas used primarily to express appreciation to the media, the various government agencies and other deserving organizations or individuals. Adoption of convention rules and listing of committee membership were also done by resolutions. Printed in Proceedings of the Constitutional Convention of Hawaii, Volume I, Journal and Documents.

- 215 **COMMITTEE REPORTS.** July 5 to September 21, 1978. 1.6 lin. inches.

Organized in two subseries: 1) Standing Committee Reports (written statements by the committees which set forth the findings, results, and recommendations of matters referred to the committees such as proposals and resolutions) and 2) Special Committee Reports (reports from the Credentials Committee regarding examination of certificates of election and qualifications of delegates and a report from the Ad Hoc Committee on Ethics recommending adoption of a code of ethics for Constitutional Convention delegates).

Printed in Proceedings of the Constitutional Convention of Hawaii of 1978, Volume I, Journal and Documents. [KFH 401 .A2 1978]
Subseries are arranged numerically.

- 216 **COMMUNICATIONS.** July 3 to September 20, 1978. 0.4 lin. inch.

Organized in four subseries: 1) Governor's Messages (includes welcome address by Governor George R. Ariyoshi to the opening session of the Convention, authorization for signing of vouchers, and a letter from Governor Ariyoshi to William Paty, Jr., President of the Constitutional Convention, approving the Hawaii Public Broadcasting Authority's request for funds), 2) Departmental Communications, (letters from Lieutenant Governor regarding deadline for submission of amendments to the State Constitution proposed by the Constitutional Convention and opinion regarding legality of ballot and voter tabulation), 3) Miscellaneous Communications, (letter of congratulations from U.S. Senator Spark Matsunaga and clarification by Chief Attorney of the Constitutional Convention regarding discretionary power of the President to adjust budget), and 4) Petitions (petitions regarding meeting of only selected delegates, president and member of the convention legal staff and petitions regarding initiative, referendum and recall signed by over 38,000 citizens).

Each subseries is arranged numerically.

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- 217 **ROLL CALL.** July 5 to December 2, 1978. 0.25 lin. inch.
Arranged chronologically.
Delegates' attendance sheets.
- 218 **CONVENTION MEMORANDA.** July 6 to August 16, 1978. 0.1 lin. inch.
Arranged chronologically.
Originated by secretary, committee chairmen and delegates. Contains information regarding procedures, schedules, etc.
- 219 **RECORDS OF THE OFFICE OF THE PRESIDENT.** June 2 to December 27, 1978. 0.3 lin. inch.
Organized in three subseries: 1) Pre-convention Caucus Minutes (discusses temporary rules of the Constitutional Convention, budget, and election of temporary secretary and assistant secretary), 2) Correspondence (letters between President of the Constitutional Convention and the Governor regarding expenses), and 3) Memoranda (includes instructions from the President to committee chairmen and information and deadlines to delegates).
Subseries are arranged chronologically.
- 220 **RECORDS OF THE STANDING COMMITTEES.** 33.1 lin. inches. February 3 to September 17, 1978.
Organized by standing committees into sixteen subseries: 1) Budget, Accounts & Printing (includes expenses of the convention), 2) Bill of Rights, Suffrage & Elections (includes records of votes dealing with such rights as privacy, freedom of speech, and grand jury counsel), 3) Education (includes "Report of the Faculty Commission on Constitutional Alternatives to the U.H."), 4) Environment, Agriculture, Conservation and Land, 5) Ethics, 6) Executive, 7) Hawaiian Affairs, 8) Judiciary (includes "Hawaii Appellate Report), 9) Legislature, 10) Local Government, 11) Public Health & Welfare; Labor & Industry, 12) Revision, Amendment & Other Provisions, 13) Rules, 14) Style, 15) Submission & Information, and 16) Taxation.
Arranged by subject, thereunder chronologically.
Consists of agendas, minutes and testimonies and sometimes include memoranda, correspondence, reports, and briefings.

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CONTAINER LIST

<u>Box No.</u>	<u>Contents</u>
209-1	CONVENTION JOURNALS July 5 to December 2, 1978 Audio Tapes
290-1a	Sessions 3-44
209-1b	Sessions 45-54
209-1c	Sessions 55-65
210-1	ORDERS OF BUSINESS July 5 to December 2, 1978
211-1	DEBATES IN THE COMMITTEE OF THE WHOLE August 14: Code of Ethics, Article XIV August 16: State Boundaries, Capital, Flag & Motto, Article XV August 17: Executive, Articles V, XVIII August 18: Preamble, Gen. & Misc. Provisions, Revisions & Amendments, Articles XVI & XVII August 21: Public Health & Welfare; Labor and Industry, Articles IX & XIII August 23: Education, Article X August 24: Education, Article X August 25: Local Government, Articles VIII, Article XVIII August 28: Legislature, Reapportionment, Articles III, IV, XVIII August 29: Legislature, Reapportionment, Articles III, IV, XVIII August 30: Executive, Article V August 30: Judiciary, Article VI August 31: Judiciary, Article VI September 2: Hawaiian Affairs, Article XII September 2: Hawaiian Affairs, Articles X, XII, XV, XVI September 2: Hawaiian Affairs, Articles XI, XII, XVI, XVIII September 6: Taxation & Finance, Article VII September 7: Taxation & Finance, Article VII September 8: Bill of Rights, Article I September 9: Bill of Rights, Article I September 11: Suffrage & Elections, Article II September 12: Style, Committee Proposal 18 September 12: Suffrage & Elections, Article II September 14: Conservation, Control & Development of Resources, Article XI [Audio Tapes: see Boxes 209-1a through 209-1c]

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	DELEGATE PROPOSALS
212-1	Nos. 1-155
212-2	Nos. 156-304
212-3	Nos. 305-451
212-4	Nos. 452-604
212-5	Nos. 605-760
212-6	Nos. 761-835
213-1	COMMITTEE PROPOSALS Nos. 1-18
214-1	RESOLUTIONS Nos. 1-53
215-1	COMMITTEE REPORTS Standing Committee Reports Nos. 1-107 Standing Committee Report No. 104, Exhibit A Standing Committee Report No. 104, Exhibit B Special Committee Reports Nos. 1-2
216-1	COMMUNICATIONS Governor's Messages Nos. 1-3 Departmental Communications Nos. 1-3 Miscellaneous Communications Nos. 1-2 Petitions Nos. 1-3
217-1	ROLL CALL
218-1	CONVENTION MEMORANDA
219-1	RECORDS OF THE OFFICE OF THE PRESIDENT Pre-Convention Caucus Minutes: June 16 to June 21, 1978 Correspondence: June 2 to December 27, 1978 Memoranda: June 27 to September 7, 1978
220-1	RECORDS OF THE STANDING COMMITTEES BUDGET, ACCOUNTS & PRINTING Agendas & Minutes: July 11, 17 & 28, 1978 Correspondence: February 3 to July 2, 1978 BILL OF RIGHTS, SUFFRAGE & ELECTIONS Agendas Minutes: July 11 to August 14, 1978 Testimonies Bill of Rights Campaign Spending Capital Punishment Criminal Proceedings

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<u>Box No.</u>	<u>Contents</u>
220-1	RECORDS OF THE STANDING COMMITTEES (Continued) BILL OF RIGHTS, SUFFRAGE & ELECTIONS (Continued) Testimonies (Continued) Elections & Suffrage Equal Rights Amendment Freedom of the Press Grand Jury Initiative, Referendum & Recall Sexual Orientation Memos Record of Votes
220-2	EDUCATION Agendas Minutes Testimonies: July 21 to August 9, 1978 Correspondence "Report of the Faculty Commission on Constitutional Alternatives for the UH" Miscellaneous ENVIRONMENT, AGRICULTURE, CONSERVATION & LAND Agendas Minutes: July 12 & 17, 1978 Testimonies: August 2 to August 16, 1978 Information ETHICS Agendas: July 19 to August 16, 1978 Testimonies: July 28 to August 16, 1978 EXECUTIVE Agendas Minutes: July 14 to August 23, 1978 Testimonies: July 21 to August 4, 1978 HAWAIIAN AFFAIRS Agendas Minutes: July 18 & August 17, 1978 Testimonies: August 9, 1978
220-3	JUDICIARY Agendas Minutes: August 8 to August 22, 1978 Testimonies: July 20, 1978 to August 8, 1978 "Hawaii Appellate Report" dated September, 1977 LEGISLATURE Agendas Minutes: August 17 to 19, 1978 Testimonies: July 24 to August 14, 1978 Miscellaneous

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	RECORDS OF THE STANDING COMMITTEES (Continued)
	LOCAL GOVERNMENT
220-3	Agendas & Minutes: July 17 to August 9, 1978 Testimonies: July 12 to August 9, 1978 Briefings
220-4	Hearings (Hawaii), July 31 & August 1, 1978 Memoranda "The State Constitution & Local Government in Hawaii," dated December, 1977
	PUBLIC HEALTH & WELFARE, LABOR & INDUSTRY
	Agendas Minutes: July 7 to September 18, 1978 Testimonies: July 14, 1978 to August 9, 1978
	REVISION, AMENDMENT & OTHER PROVISIONS
	Agendas Minutes & Testimonies: July 25 to August 11, 1978
	RULES
	Agendas Minutes: July 17 to August 23, 1978 Testimonies: August 23, 1978 Correspondence
	STYLE
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	SUBMISSION & INFORMATION
	Agendas Minutes: July 20 to September 17, 1978 Informational Circulars Position Papers by Organizations Public Opinion Poll Newsletters Press Releases Speeches by President William Paty Surveys Memoranda to Members of the Committee
220-5	TAXATION
	Agendas Minutes: July 5 to August 29, 1978 Testimonies: July 12 to August 17, 1978
220-6	Correspondence: August 8 to September 11, 1978 Briefings: - July 7 to 17, 1978

Prepared by J. Nakamatsu, 1992/10
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